



Appeal Decision

Site visit made on 25 August 2020 by G Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2020

Appeal Ref: APP/L2820/D/20/3252735

24 Gipsy Lane, Kettering NN16 8UA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs S. Montasser against the decision of Kettering Borough Council.
 - The application Ref: KET/2020/0099, dated 13 February 2020, was refused by notice dated 25 March 2020.
 - The development proposed is single and two-storey rear extensions, first floor side extension, single and two-storey front extensions.
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Decision

1. The appeal is allowed and planning permission is granted for single and two-storey rear extensions, first floor side extension, single and two-storey front extensions at 24 Gipsy Lane, Kettering NN16 8UA in accordance with the terms of application Ref: KET/2020/0099 dated 13 February 2020 and subject to the following conditions:
 - 1) The development hereby permitted shall not begin later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those on the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following plans: Site Location Plan (Licence No. 100042527), Block Plan (Licence No. 100042527), Proposed Ground Floor, First Floor and Roof Plans (DWG No. 219/018/03A) and Proposed Elevations (DWG No. 219/018/04A).

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - i. The effect of the proposed development upon the character and appearance of the host dwelling and the street scene; and

- ii. The impact of the proposed development upon the living conditions of the occupiers of No.26 Gipsy Lane with regard to loss of sunlight and outlook.

Reasons for the Recommendation

Character and appearance

4. No.24 is a large detached red brick dwelling with a grey tiled hipped roof and a front gable addition which covers half of the width of the dwelling. The dwelling is set back from the roadside behind a large driveway with associated landscaping. The building is located on the junction between Gipsy Lane and Bowhill. The dwellings within the street scene vary in appearance but are typically large detached dwellings set back from the tree lined roadside set within wide plots. The street scene has a suburban appearance. To the side of the dwelling is an attached single storey flat roofed garage. No.26 is a large detached dwelling that extends almost the full width of the plot. The dwelling is set further forward on the plot than No.24 and is orientated slightly away from it. On the side elevation facing No.24 there are two narrow windows that are located near the front.
5. The proposed extension would include a garage on the ground floor and the first floor above it would be set in from the side. The roof, which would be hipped to match the host dwelling, would be set below the roof height of the host dwelling. The side extension would also be set back behind the front elevation. A central gable extension is proposed which would also have a hipped roof and the rear extensions encompass a single storey extension to the kitchen including a roof lantern light and a two-storey extension on the other side of the rear of the dwelling. No windows are proposed on the rear or side elevation of the two-storey side extension.
6. The proposed side extension would bring the first-floor side elevation of No.24 closer to the shared boundary between the two properties. However, the combined effect of setting the proposal in from the side elevation, setting down the roof height, and the limited width of the extension, would ensure that the proposed side extension would appear subordinate to the host dwelling. This would be further complemented by using similar materials in the construction of the side extension.
7. The proposed two-storey front gable extension would create a new focal point for the front elevation of the dwelling which would alter the appearance of the dwelling. Nevertheless, given the varied appearance of the dwellings within the street scene, it would not appear out of character within the street scene. The proposed two-storey extension to the rear of the house would be partially visible from Bowhill. Nevertheless, the existing view from Bowhill is of the side elevation of the dwelling, behind mature trees, and the proposal would not significantly change this. Whilst the house would be deeper, the extension would not bring it closer to the roadside and thus even with the increased depth the side elevation of the house would not appear overbearing from it. The rear single storey extension would not be visible from the street scene and thus would not cause harm to it or the appearance of the host dwelling.
8. Whilst the extension would reduce the gap between No.24 and No.26, the other side of the dwelling would remain undeveloped and thus the extension would not visually overdevelop the plot. Whilst the undeveloped gap between the two

dwelling would be reduced, the orientation of the two dwellings combined with the reduced roof height of the extension would ensure that the proposal does not cause a terracing effect and the open appearance of the street scene would be retained. The gap between dwellings in the area does vary and the spacious character derives from the front gardens and mature planting as opposed to any consistent gaps between the sides of buildings. Overall, the character of the area, would not be adversely affected.

9. Consequently, the proposed extensions would be subordinate to the host dwelling and would not harm the character and appearance of the host dwelling or the street scene. As such the proposal would be in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031 (adopted 2016) (JCS) insofar as it requires development to respond to the site's immediate and wider context and local character to create new streets, spaces and buildings which draw on the best of that local character without stifling innovation.

Living conditions

10. The two windows on the side elevation of No.26 are set slightly forward of the front elevation of No.24. As the proposed extension would be set back from the front elevation of No.24 it would not significantly reduce the amount of sunlight that each of these windows receives. The extension would appear slightly more overbearing than the existing dwelling when viewed from those windows. Nevertheless, they are secondary windows and the affected rooms would still receive sunlight from the primary windows and the main outlook is not from the side elevation. Consequently, I am satisfied that the relationship would be acceptable in those respects.
11. The proposed extension would be visible from the rear garden on No.26. Nevertheless, the garden is quite large and deep and there is limited built form around 3 sides of the garden. The first floor of the extension would be relatively narrow, and the hip roof would be lower than that of the main house. As such the extent of the new built form would be relatively limited and the extension would only infill a small section of the skyline around the garden. Because the roof would be no taller than that roofline of No.26 the extension would not appear overbearing to the point where it would demonstrably harm the living conditions of the occupiers of No.26.
12. No.100 Bowhill is set at an approximate 90-degree angle to No.24, such that the proposed extension would face towards the rear of No.100's garden. The distance between the proposed two-storey rear extension and the rear of No.100's garden would be of such a distance that opportunities for overlooking would be limited. Furthermore, a group of mature trees bound the garden which blocks views into the garden. Whilst these trees cannot be relied upon in perpetuity, when combined with the approximately 2 metres tall fencing along the boundary, this would ensure that the privacy of the occupiers of No.100 when using their garden would not be harmed by the proposed development.
13. Therefore, given the size of the proposed extension it would not appear overbearing to the occupiers of No.26 nor result in a detrimental loss of sunlight. The proposal would also not result in an undue loss of privacy for occupiers of No.100. Consequently, the proposed development would not harm the living conditions of the neighbouring occupiers and would be in accordance with Policy 8 of the JCS which requires development to protect amenity by not resulting in an unacceptable impact on the amenities of future occupiers.

Other Matters

14. It has been noted that the location plan submitted with the application may include land outside of the ownership of the appellant. Regardless of whether this is the case or not, the land in question is to the rear of the site and the land ownership where the extension is proposed is not in dispute. Any planning permission granted does not override private ownership rights which are civil matters. Neighbouring owners were notified of the application and have been able to comment on it and I am satisfied that no prejudice will arise as a result of the appeal being determined, notwithstanding the potential that some land outside the ownership of the appellant was included on the location plan.

Conditions

15. In addition to the statutory commencement condition, a condition is necessary to ensure that the development complies with the approved plans, for the avoidance of doubt. In the interests of the character and appearance of the area a condition is also necessary to ensure that the materials match those on the existing dwelling.

Conclusion and Recommendation

16. Therefore, the proposed extensions would appear subordinate to the host dwelling and would not cause harm to the character or appearance of the street scene. The living conditions of the occupiers of the neighbouring dwellings would not be harmed by the proposal. Consequently, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be allowed subject to the suggested conditions.

Chris Preston

INSPECTOR